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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,524	09/01/2000	Hirohisa Naito	826.1617 (JDH)	6035

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EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/654,524

**Applicant(s)**

NAITO ET AL.

**Examiner**

Raymond J. Bayerl

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2, 5</u> . | 6) <input type="checkbox"/> Other: ____  |

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1. The disclosure is objected to because of the following informalities: throughout applicant's specification as filed on 1 September 2000, a horizontal justification scheme has been used for the official copy that in numerous places removes so much space between words that they are not well separated for reading purposes. An example of this appears at page 1, line 18.

Appropriate correction is required.

2. Claims 7 – 8 are objected to because of the following informalities:

"corresonding" (corresponding?, line 7). Also, as noted above, at line 6, the line justification is excessive to the point where individual words are difficult to discern.

Appropriate correction is required.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 1 – 2, 4 – 5, 7 – 12, 14 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini ("Tognazzini"; US #5,790,974) in view of Moon et al. ("Moon"; US #6,064,975).

As per independent claim 1's presentation of "a schedule to a user depending on a situation" (see also independent claim 24), Tognazzini's CALENDARING DEVICE HAVING PERCEPTUAL AGENT MANAGING CALENDAR ENTRIES includes a GPS receiver interface providing location data (Abstract). Tognazzini specifically provides reminder alarms in response to detected changes in the location of the portable calendaring system. Thus, in Tognazzini is given an "input device inputting a schedule" and "a process device processing an instruction...depending on the current place and the current time" as claimed. Please note that Tognazzini's CALENDARING DEVICE operates with "input" from a transmitting calendar system (col 2, lines 10 - 37), and an agent is used for "processing".

While Tognazzini has intimate basis in GPS "place" determination, as in finding an estimated travel time (col 2, lines 38 - 66), the claimed "obtaining" of "a situation of a current place and a current time", or in the alternative, "a virtual current place and a virtual current time", for the purpose of deriving the proper "instruction" for the "current" situation, is not **explicitly** taught by Tognazzini. Instead, Tognazzini uses "place" determination for updating a map, and not for the generation of applicant's context-sensitive "situation" output.

However, Moon's HIGHLIGHTING of HOLIDAYS OF A SPECIFIED LOCATION IN A CALENDAR SOFTWARE APPLICATION specifically teaches a portable intelligent

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communications device that allows specifying a geographical location, specified by the current location of the portable intelligent communications device or via a graphical user interface (Abstract). Please also note that Moon's Context control button allows the location of a party with whom portable intelligent communications device 10 most recently had a conversation (col 5, lines 20 - 67) to be supplied, as in generating calendar displays like those shown in figs 4 - 7.

It would therefore have been obvious to a person having ordinary skill in the art at the time of applicant's invention to use the Context-dependent display of Moon within a Tognazzini CALENDARING DEVICE, thereby receiving an input "schedule" that results in selectively "processing an instruction" on the basis of both "time" and "location", because the Moon suggestions would improve the availability of relevant information to the Tognazzini reminder arrangement.

Claim 2's "suggesting and performing the action" is a part of the calendar processing of Tognazzini, when "action" receives a reasonably broad interpretation as any resultant function within the DEVICE (see also claim 8). This occurs, in the combination of "current place" or "virtual current place" (claim 4) that is suggested by the combination with Moon.

As noted above, Tognazzini teaches "communicating with an external device" (claim 5), as by transmitting a calendar.

Independent claim 7 is similar to the "current"/"virtual" presentation of a "schedule" recited in claim 1, and is rejected using a similar line of reasoning. The

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“setting device” that determines a “simulation mode” is suggested by Moon’s specification of current location, as is found by Tognazzini’s “obtaining device”.

Independent claim 9 (see also independent claim 11) concentrates upon the “communicating through a network, reading from an electronic medium and inputting by the user” that is rendered obvious when taken in view of the transmission of Tognazzini, whose calendar is describable by “name”, and the provision of a “situation”, as further suggested by Moon.

Independent claim 10 (see also independent claim 12) recites additional details discussed above, such as “obtaining a situation” in the style of the Tognazzini/Moon combination, whereby a “virtual current place” may be specified, and “suggesting and performing an action” as per Tognazzini may result.

Independent claim 14 calls for a “situation” as described by “predetermined time intervals at predetermined places”, as one would find in a reminder presentation scheme such as Tognazzini’s when modified to input an arbitrary “specification” of “place and a time”.

Independent claim 15 recites, in substantially broader form, the “specification” of “place” and “time” that is also suggested by the Context-specific output of Moon, when installed in the Tognazzini device. A similar line of reasoning applies to independent claims 20, 25.

Please note further, as regards claim 16’s “map corresponding to the range of the place information” (see also claim 22), <sup>RS</sup> that Tognazzini identically discloses a digitized map (col 2, lines 61 - 66). This map will correspond to the “display range”

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(claim 17) for which a reminder is provided by Tognazzini, as modified to accept arbitrary Context settings as per Moon. Tognazzini further suggests that the “display” changes a display range of the map as the current place moves” (claim 23).

As per claim 18’s “sequentially connecting the plurality of schedules using lines”, applicant’s attention is drawn to the line-based displays such as Moon’s fig 4. Also in Moon is claim 19’s “time axis schedule table”, as the user progresses along a series of dates and times in the calendar.

Independent claim 21 shares many similarities with the claims described above, in “processing at least one of the schedule described in the input data and the presentation information for the schedule”. To recapitulate, Tognazzini is capable of “presenting a user with presentation information”, while “a virtual current place” as desired can be specified in Moon. A similar line of reasoning applies to independent claim 26.

6. Claims 3, 6, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini in view of Moon and Sekiguchi et al., “NaVigation Markup Language (NVML)”, 6 Aug 1999 (“Sekiguchi”).

While a “schedule” *per se* is certainly specified in the transmission to the Tognazzini device, neither this disclosure nor the combination with Moon **explicitly** teaches claim 3’s “markup language” (see also independent claim 13), as might be subject to claim 6’s “analyzing” to produce “structured data”.

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However, it **was** known in the art, as shown by Sekiguchi's NaVigation Markup Language (NVML), to provide a common data format for describing navigation information such as locations of points and route information (Abstract).

It would therefore have been additionally obvious to the person having ordinary skill in the art to supply the Tognazzini/Moon combination with Sekiguchi's platform-independent Markup Language, the motivation being to give a greater transportability of disparate "schedule data" to the single PDA, or other such device as falls within the metes and bounds of the claimed invention.


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining US Patent documents made of record (see attached form PTO-892) relate to scheduling maintenance techniques.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789. The examiner can normally be reached on M - F from 10:00 AM to 5:00 PM.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

9 February 2004